

## INTERNATIONAL SEARCH REPORT

International Application No.

PCT/US2004/030104

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 H04Q7/38

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 H04Q

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, INSPEC

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2002/039892 A1 (LINDELL BO) 4 April 2002 (2002-04-04)	1
Y	paragraph '0007! - paragraph '0009! paragraph '0012! - paragraph '0014! paragraph '0022! - paragraph '0030! paragraph '0036! - paragraph '0038! figures 1-3	2-29
Y	----- US 5 999 811 A (MOELNE ANDERS) 7 December 1999 (1999-12-07) column 2, line 66 - column 3, line 45 column 7, line 30 - column 9, line 13 figures 1-3 ----- -/--	2-29

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

## \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*Z\* document member of the same patent family

Date of the actual completion of the international search

11 January 2005

Date of mailing of the international search report

17/01/2005

Name and mailing address of the ISA

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## INTERNATIONAL SEARCH REPORT

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 95/01070 A (ERICSSON TELEFON AB L M) 5 January 1995 (1995-01-05) page 7, line 17 - line 32 page 10, line 36 - page 12, line 31 figure 3	1-29
A	----- EP 1 271 881 A (SIEMENS AG) 2 January 2003 (2003-01-02) paragraph '0014! paragraph '0024! figure 2	1-29
A	----- EP 0 724 371 A (CABLE & WIRELESS PLC) 31 July 1996 (1996-07-31) page 2, line 6 - line 29 page 3, line 50 - page 4, line 2 figure 1 -----	1-29

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US2004/030104

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 2002039892	A1	04-04-2002	AU 8774601 A WO 0230133 A2	15-04-2002 11-04-2002
US 5999811	A	07-12-1999	AU 718104 B2 AU 2267597 A BR 9707443 A CN 1211376 A , B EP 0876736 A1 HK 1018678 A1 RU 2160975 C2 WO 9730561 A1	06-04-2000 02-09-1997 20-07-1999 17-03-1999 11-11-1998 27-06-2003 20-12-2000 21-08-1997
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EP 0724371	A	31-07-1996	JP 8265846 A ZA 9501046 A EP 0724371 A1 AU 1160495 A	11-10-1996 09-02-1996 31-07-1996 15-08-1996

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

# PCT

To:

see form PCT/ISA/220

REC'D 13 JAN 2005

WIPO

PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

### FOR FURTHER ACTION

See paragraph 2 below

International application No.  
PCT/US2004/030104

International filing date (day/month/year)  
13.09.2004

Priority date (day/month/year)  
25.09.2003

International Patent Classification (IPC) or both national classification and IPC  
H04Q7/38

Applicant  
QUALCOMM INCORPORATED

### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1 (a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

### 3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2004/030104

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2004/030104

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**Box No. II Priority**

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1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. ☐ It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.
4. Additional observations, if necessary:

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**Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	2-29
	No: Claims	1
Inventive step (IS)	Yes: Claims	
	No: Claims	1-29
Industrial applicability (IA)	Yes: Claims	1-29
	No: Claims	

2. Citations and explanations

**see separate sheet**

Reference is made to the following documents:

**D1:** US 2002/0039892 A1

**D2:** US 5 999 811 A

**A. Citations and explanations made in respect of paragraph V:**

1. Document **D1** (see in particular abstract; paragraphs [0007] to [0009], [0012] to [0014], [0022] to [0030] and [0036] to [0038]; Figures 1 to 3) discloses, in accordance with **all** the features of **claim 1**, a method of communications, comprising:
  - receiving an origination request for a call (see in particular lines 4 to 6 of paragraph [0013]);
  - selecting a communications network from a plurality of communications networks (see in particular lines 1 to 4 and 8 to 10 of paragraph [0013]; see paragraph [0022]; see "AN 1" to "AN n" in Figure 1);
  - accessing information to determine as a function of the origination request and the information that the call is allowed on the selected communications network (see in particular lines 8 to 11 in paragraph [0013]; paragraph [0030]; and
  - originating the call over the selected communications network (see in particular lines 11 to 12 of paragraph [0013]; see paragraphs [0037] to [0038]).

The subject-matter of claim 1 therefore is **not new**, Article 33 (2) PCT.

It should furthermore be noted that even if the Applicant intended to argue novelty of claim 1, based on a slightly different interpretation of the features of claim 1 and those disclosed in document **D1**, the subject-matter of said claim would **not involve an inventive step**, Article 33 (3) PCT, having regard to the disclosure of document **D1** and the normal knowledge of a person skilled in the art of multi-network systems and corresponding call origination techniques. In this respect, reference is made to document **D2** (see in particular abstract; column 2, line 66 to column 3, line 45; column 7, line 30 to column 9, line 13; Figures 1 to 3) which discloses a similar method of communications.

2. The same considerations as made in above paragraph 1 relating to lack of inventive step of claim 1 are also valid for **independent claim 10** since claim 10 is based on the same principle as claim 1.

The **only difference** between said claims, ie. that in the method of claim 10 it is determined that the call is not allowed on the selected network and the call is prevented from being originated over said selected network, is also disclosed in document **D2** (see in particular column 3, lines 2 to 6 and column 8, lines 55 to 67, taken in combination with column 3, lines 21 to 32).

The subject-matter of claim 10 therefore **does not involve an inventive step**, Article 33 (3) PCT.

3. Furthermore, the same considerations as made in above paragraphs 1 and 2 relating to lack of inventive step of respective claims 1 and 10 are also valid for **independent claims 12, 21 and 29**, since claims 12, 21 and 29 each are based on a combination of the features of said claims 1 and 10 in terms of claims relating respectively to computer readable media (claim 12) and a communications device (claims 21 and 29).

The subject-matter of claims 12, 21 and 29 therefore **does not involve an inventive step**, Article 33 (3) PCT.

4. **Dependent claims 2 to 9, 11, 13 to 20 and 22 to 28** do **not** contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step for the reason that the subject-matter of said claims **either** is **in principle** directly derivable from the disclosure of document **D1** (for claims **2, 11, 13 and 22**: see in particular paragraph [0036]; for claims **4, 15 and 24**: see in particular paragraph [0030]; for claims **5, 16 and 25**: see in particular paragraphs [0013] and [0030]; for claims **6 to 8, 17 to 19 and 26 to 28**: see in particular paragraph [0038]; for claims **9 and 20**: see in particular paragraphs [0013] and [0030]) or from a similar application disclosed in document **D2** (for claims **3, 14 and 12**: see in particular column 5, lines 37 to 40), **or** include minor technical details which represent general knowledge of the person skilled in the field of multi-network systems and corresponding call origination techniques.

Dependent claims 2 to 9, 11, 13 to 20 and 22 to 28 therefore **do not** meet the requirements of Article 33 (3) PCT.

**B. Further remarks made in respect of the present application:**



If the applicant opts to enter the **PCT-II phase** (examination phase) or a national/regional phase, the following points should also be taken into consideration:

1. The various definitions of the communications device given in independent **claims 21 and 29** are such that the claims as a whole **are not concise**. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection (see also PCT Guidelines, 5.42 and A5.42).

Hence, the claims **do not** meet the requirements of Article 6 PCT.

In order to overcome this objection, the claims should be recast to include only the **minimum necessary number of independent claims in any one category**, with dependent claims as appropriate (Rule 6.4 (a)-(c) PCT).

In the present case it is considered appropriate to use **only one independent claim** relating to the communications device.

2. To meet the requirements of Rule 6.3 (b) PCT, any independent claim should be **correctly** cast in the **two-part form**, with those features which in combination are part of the nearest prior art (eg. document **D1**) being placed in the preamble.
3. **Reference signs** in parentheses should be inserted in all the claims to increase their intelligibility, Rule 6.2 (b) PCT. This applies both to the preamble and to the characterizing portion.
4. To meet the requirements of Rule 5.1 (a) (ii) PCT, the documents **D1** and **D2**, which represent a relevant state of the art with regard to the present invention, should be identified in the opening part of the description and the relevant background art disclosed therein should be briefly discussed.
5. The opening part of the description - including the statement of the object/solution - should be **brought into conformity** with the wording of any new or amended independent claim(s), Rule 5.1 (a) (iii) PCT.
6. The general statement "... incorporated by reference ..." in line 12 in paragraph

[0001] of the description is **not** clear. Therefore, either a short acknowledgement of the relevant subject-matter of the documents, to which said statement refers, should, in accordance with Article 34 (2) (b) PCT, be added to the description, or, if said documents are not relevant for the performance of the particular aspects of the invention to which said statement refers, said statement should be deleted (see also PCT Guidelines, 4.26).

7. The general statements (ie. "... spirit ...") in line 2 on page 4 and in the last line on page 17 of the present description are not clear, and when used to interpret the claims renders them also unclear, contrary to Article 6 PCT.  
The statements therefore should be deleted (see PCT Guidelines, 5.30).